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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,514	04/17/2001	Karl K. Rink	AAI-14052	6593

7590

07/31/2003

Mr. James D. Erickson, Manager
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EXAMINER

HARDEE, JOHN R

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary

Application No.

09/836,514

Applicant(s)

RINK ET AL.

Examiner

John R Hardee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 and 36-63 is/are pending in the application.
- 4a) Of the above claim(s) 27-29, 43-46, 48-52, 55 and 56 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57-63, elected invention only, and claim 30 is/are allowed.
- 6) ☒ Claim(s) 25, 26, 31, 36-42, 47 and 54 is/are rejected.
- 7) ☒ Claim(s) 53 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 27-29, 43-46, 48-52, 55 and 56 remain withdrawn from consideration as being drawn to embodiments non-elected without traverse. The remaining claims were searched and examined only to the extent that they read on applicant's elected composition, ammonium nitrate and t-butyl carbonate, which is allowable. *As a courtesy to applicant*, the examiner has expanded the search to cover airbag inflation methods employing t-butyl carbonate generally. However, since methods using ammonium nitrate generically are not allowable over the prior art, no further search was conducted regarding ammonium nitrate and other coreactants recited by applicant.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 25, 26, 31, 36-38, 40, 42, 47 and 54 remain rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/29261 for the reasons of record in the previous office action.

Claim Rejections - 35 USC § 103

4. Claims 25, 26, 31, 36-38, 40, 42, 47 and 54 remain rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/29261 for the reasons of record in the previous office action.

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5. Claims 25, 26, 31, 36-39 and 41-42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Nielson et al., US 6,224,099 B1 for the reasons of record in the previous office action.

Allowable Subject Matter

6. Claim 30 is allowed.
7. Claims 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claim 57 and claims dependent therefrom are allowed, to the extent that they read on the elected subject matter. These claims have been searched and examined only to the extent that they read on the elected composition.

Response to Arguments

9. Applicant's arguments filed June 16, 2003 have been fully considered but they are not persuasive. Arguments drawn to the 112 rejections are moot, as these have been withdrawn by the examiner. Applicant argues that the WO does not show an improvement in a method for inflating an airbag comprising heating a mixture comprising a water-supplying component and a water reactive component. This is not persuasive because the reference exemplifies inflation of an airbag with ammonium nitrate, which applicant states to be a water supplying component, and carborane, taught by the reference as being water reactive. The reaction products further react with pressurized nitrous oxide when a rupture

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valve is opened by the pressure generated by the reaction products of carborane and ammonium nitrate. The limitations of claim 25 are met. While the carborane and the ammonium nitrate may be mixed, this still meets the limitations of the claim.

Applicant makes similar arguments regarding the Nielson reference. Either ammonium nitrate generates water upon heating, as claimed by applicant, or it does not. If it does so, it will generate water in the Nielson airbag as well as in applicant's airbag. It is well established law that a chemical compound and its properties are inseparable.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from

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the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (703) 305-5599. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Dr. Yogendra Gupta, may be reached at (703) 308-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read "J. Hardee", with a stylized, cursive script.

John R. Hardee
Primary Examiner
July 29, 2003